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WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
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Item 5 of the provisional agenda

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Note by the Secretariat

Statement submitted by non-governmental organizations concerned with human rights in the Asian region

1. The General Assembly, at its forty-fifth and forty-sixth sessions, requested, among others, non-governmental organizations concerned with human rights to undertake reviews and submit recommendations on the World Conference and its preparation to the Preparatory Committee through the Secretary-General.

2. The attention of the Preparatory Committee is drawn to the recommendations submitted by non-governmental organizations in the Asian region in a statement entitled "Human Rights in Asia: the Struggle for Human Dignity" attached to the present note. The statement has been endorsed by 202 non-governmental organizations in the Asian region, as of the date of the preparation of this document. It will also be submitted to the Regional Meeting for Asia, scheduled to take place in Bangkok from 29 March to 2 April 1993.

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Annex

HUMAN RIGHTS IN ASIA: THE STRUGGLE FOR HUMAN DIGNITY

1. The World Conference on Human Rights will be an occasion to re-affirm humanity's commitment to the values and principles embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other such covenants and declarations which seek to protect and promote the dignity of the human being. It will also be an occasion to reiterate that human rights are indivisible and interdependent and therefore need to be pursued in a holistic manner.

Concerns

2. A holistic, integrated approach to human rights within the Asian context would demand urgent and equal attention to the economic and social rights of the people of the continent. For Asia is where the majority of the world's poor live. In spite of the economic and social progress achieved in various countries, a significant segment of Asia's population does not enjoy some of the most basic economic and social rights - including the right to adequate food, clothing and housing, the right to work, to fair wages, to health, to education.

3. Indeed, in some parts of Asia, poverty is so severe that the poor have become trapped in contemporary forms of "slavery" such as bonded labour, child labour and child prostitution. Poverty is also one of the direct causes of the cruel exploitation of female labour in certain sectors of the economy.

4. Even when the incidence of absolute poverty has been reduced, the gap between "haves" and "have-nots" appears to be getting wider especially in societies where wealth and power are increasingly concentrated in the hands of the elites. Elite-oriented development of this sort marginalizes a significant segment of society. It also leads to environmental degradation which in turn affects adversely the economic and social rights of present and future generations.

5. The situation is made worse when emphasis is given to military expenditure in the national budget. There are many societies in Asia where the growth of militarism has deprived the masses of their basic human rights, including their economic and social rights.

6. While the denial and deprivation of economic and social rights is a matter of grave concern, Asian non-governmental organizations are equally distressed by the gross violation of the civil and political rights of people in the region. Most of the time, it is the State that is responsible for this. This is especially true of military dictatorships and states with marked authoritarian characteristics. Extra-judicial executions, involuntary disappearances, torture, detention without trial or charge, and the use of emergency regulations and security laws are not uncommon. There are also cases where activists championing the cause of human dignity and social justice are subjected to harassment and intimidation. In some instances, they are banished from their country or forced into exile or even physically

eliminated. All this shows that in various parts of Asia there is very little tolerance of political dissent.

7. However, civil and political rights and indeed, all other human rights are in greatest jeopardy in those societies which are embroiled in armed conflict. Apart from the severe restrictions imposed upon the rights of the people by the opposing forces, armed conflicts invariably result in the death of thousands of innocent human beings and the massive displacement of entire communities. Consequently, there has been an explosion of refugees in the region who are often the victims of every conceivable human rights violation.

8. In certain parts of the region, ethnic minorities find that their cultural and religious rights are curbed and curtailed by the authorities. Ethnic conflicts have sometimes eroded the cultural integrity of whole communities. Every now and then, a mega-development project threatens the cultural identity and heritage of a particular indigenous community with deep roots in the history and traditions of the land. Land rights are, after all, at the very heart of the struggle of indigenous communities for human dignity.

9. The situation facing ethnic minorities and indigenous communities shows that the defence of human rights in Asia must necessarily go beyond the rights of the individual. At stake, are not just the cultural but also the economic, social, civil and political rights of whole collectivities. There are also groups within societies - like the Dalits of India and the Buraku of Japan - subjected to long centuries of discrimination and oppression who are struggling to assert their collective dignity. Even in the case of women, often victims of gender discrimination and outmoded cultural and religious practices, their primary quest is to secure their full rights as a community of human beings.

10. More specifically, women as a collectivity want to be seen and accepted as people with the capacity to decide and to act on their own behalf. They want equal access to resources and the political, economic and social support to develop their full potential as human beings. To secure their legitimate rights as a collective group, women realize that there are formidable obstacles in almost every sphere of society which have to be overcome in the interest of equality and justice.

11. Collective rights in Asia are fought at yet another level. Within the international system, the Asian state is often forced to articulate the collective rights of its citizens in the face of glaring global iniquities. Since the international system allows a privileged minority in the North to control and dominate the rest of humanity it circumscribes the rights of the people of the South, a huge portion of whom are in Asia. The people in most of Asia have very little freedom to determine their own destinies in an international system dominated by institutions directed by the elite of the North such as the United Nations Security Council, the Group of Seven, the International Monetary Fund (IMF), the World Bank and the General Agreement on Tariffs and Trade (GATT). Dominance of this sort, which expresses itself in almost every sphere of international relations, had made most Asian states dependent upon the North. Nothing underscores this dependence more than the debt situation. In order to service debts to rapacious lending agencies in the North, certain countries in Asia have no choice but to divert their meagre

resources from economic and social programmes vital for the very survival of their people. Thus, an unjust international system threatens the most fundamental of all human rights - the right to life - of millions of human beings across the continent.

Recommendations

12. Arising from our concern for, and commitment to, human rights in Asia, we have chosen to submit the following recommendations to the World Conference on Human Rights:

A. Asian NGOs hope that the World Conference will persuade:

1. Asian governments (which have not ratified the two principal covenants) to ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its optional protocols. The few countries which have already ratified the two covenants should ensure their effective implementation.

2. Asian governments to ratify some of the other United Nations conventions like the Convention against Torture, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child. These governments should also be persuaded to ratify relevant International Labour Organisation (ILO) conventions. Ratification, needless to say, should be followed by effective implementation.

3. Asian governments to revoke laws and eliminate policies which are detrimental to the full realization of the economic, social, cultural, civil and political rights of their people. They should instead try to formulate strategies of development which are compatible with the whole gamut of human rights. These should be part of a development paradigm which seeks to enhance human dignity rather than maximise profits.

Enhancing human dignity and promoting human rights would also require other measures. It would be important to ensure the independence of the judiciary, to protect the freedom of the media and to strengthen public accountability. Certain minimum norms of democratic conduct should be observed by all administrative and judicial institutions.

At the same time, Asian governments should take immediate steps to establish a regional inter-government mechanism for the promotion and protection of human rights. As an initial move, a study should be commissioned which would examine various aspects of such a mechanism. Asian governments should facilitate the active involvement of NGOs in the preparatory stages as well as in the functioning of an intergovernmental regional mechanism as and when it is established.

4. Asian governments to undertake major structural changes and initiate fundamental social reforms which will strengthen human rights and enhance human dignity. In this connection, it is important to stress that wherever there are contemporary forms of slavery, the governments concerned should establish a clear time-frame for their total and complete eradication. All

governments in the region should also be persuaded to eradicate or at least reduce substantially, poverty and illiteracy within a certain time-frame.

B. Asian NGOs hope that the World Conference will urge:

1. Major industrial powers and important lending agencies in the North to write off the external debts of chronically poor nations in the South. Other debtor-nations in the South should be allowed to re-schedule their debt payments. In this way, the poor in the South will have a better chance of enjoying some of their basic rights as human beings.

2. Powerful states which control the United Nations to help restructure the Security Council so that it becomes a truly democratic institution capable of reflecting the genuine aspirations of the vast majority of humanity. Towards this end, the veto and permanent membership within the Security Council should be abolished. Security Council membership should take into account present demographic realities and the need for effective regional representation.

The powers of the United Nations General Assembly, which represents all nations and peoples, should also be enhanced especially in matters pertaining to international security, politics and economics. Only the General Assembly should have the authority to mandate the United Nations to use force in the resolution of any international conflict. International economic institutions should be brought under the purview of the General Assembly and a restructured Security Council. The United Nations should play a bigger and more important role in global economic management.

C. Asian NGOs hope that the World Conference will advise:

1. The United Nations to give equal attention to all aspects of human rights and to develop methodologies for evaluating the various types of human rights. This would be consistent with the letter and the spirit of the principal human rights documents formulated by the United Nations itself. The United Nations should also avoid a selective approach in the monitoring of human rights violations.

2. The United Nations to increase the budget, strengthen personnel resources and upgrade administrative structures connected with human rights work. There should be more effective monitoring of human rights violations brought to the attention of the United Nations Commission on Human Rights. In this connection, NGOs should be allowed to play a more important role in documenting, investigating and monitoring human rights violations. The role they have played so far in the development of human rights standards should also be acknowledged.

D. Asian NGOs hope that the World Conference will encourage:

1. NGOs in the North to use the democratic space available in their societies to increase public awareness of how Northern control and domination of the international system curbs and curtails the basic human rights of people in Asia.

2. Asian NGOs to continue their struggle against oppression and exploitation in their own societies and control and domination within the international system which threaten, in different ways, the human rights and human dignity of millions of human beings in Asia.

Conclusion

13. Whatever the state of human rights in various parts of Asia today, Asian NGOs are deeply conscious of the fact that the values and principles which have inspired the rights of the human being are very much a part of the illustrious moral and spiritual traditions of the continent. Indeed, it was in Asia, at the very dawn of history, that the quest for human dignity first began. As we enter the 21st century, Asia should seek to fulfil its destiny by ensuring the triumph of human rights and human dignity.